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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend the Water Resources Development Act of 1992 and the Flood Control Act of 1968 to provide for provisions relating to collection and retention of user fees at recreation facilities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. WESTERMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Water Resources Development Act of 1992 and the Flood Control Act of 1968 to provide for provisions relating to collection and retention of user fees at recreation facilities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lake Access Keeping
5 Economies Strong Act” or the “LAKES Act”.

1 **SEC. 2. CHALLENGE COST-SHARING PROGRAM FOR MAN-**
2 **AGEMENT OF RECREATION FACILITIES.**

3 Section 225 of the Water Resources Development Act
4 of 1992 (33 U.S.C. 2328) is amended—

5 (1) by redesignating subsections (a) through (d)
6 as subsections (b) through (e), respectively;

7 (2) by inserting before subsection (b) (as so re-
8 designated) the following:

9 “(a) **DEFINITIONS.**—In this section:

10 “(1) **NON-FEDERAL PUBLIC ENTITY.**—The term
11 ‘non-Federal public entity’ means a non-Federal
12 public entity as defined in the document of the
13 Corps of Engineers entitled ‘Implementation Guid-
14 ance for Section 1155 of the Water Resources Devel-
15 opment Act of 2016 (WRDA 2016), Management of
16 Recreation Facilities’ and dated April 4, 2018.

17 “(2) **PRIVATE NONPROFIT ENTITY.**—The term
18 ‘private nonprofit entity’ means an organization that
19 is described in section 501(c) of the Internal Rev-
20 enue Code of 1986 and exempt from taxation under
21 section 501(a) of that Code.”;

22 (3) in subsection (b) (as so redesignated), by
23 striking “**IN GENERAL**” and inserting “**AUTHORIZA-**
24 **TION**”;

25 (4) in subsection (c) (as so redesignated)—

1 (A) by striking “To implement” and in-
2 serting the following:

3 “(1) IN GENERAL.—To implement”;

4 (B) by striking “non-Federal public and
5 private entities” and inserting “non-Federal
6 public entities and private nonprofit entities”;
7 and

8 (C) by adding at the end the following:

9 “(2) REQUIREMENTS.—Before entering into an
10 agreement under paragraph (1), the Secretary shall
11 ensure that the non-Federal public entity or private
12 nonprofit entity has the authority and capability—

13 “(A) to carry out the terms of the agree-
14 ment; and

15 “(B) to pay damages, if necessary, in the
16 event of a failure to perform.”;

17 (5) by striking subsection (d) (as so redesign-
18 dated) and inserting the following:

19 “(d) USER FEES.—

20 “(1) COLLECTION OF FEES.—

21 “(A) IN GENERAL.—The Secretary may
22 allow a non-Federal public entity or private
23 nonprofit entity that has entered into an agree-
24 ment pursuant to subsection (c) to collect user
25 fees for the use of developed recreation sites

1 and facilities, whether developed or constructed
2 by that entity or the Department of the Army.

3 “(B) USE OF VISITOR RESERVATION SERV-
4 ICES.—

5 “(i) IN GENERAL.—A non-Federal
6 public entity or a private nonprofit entity
7 described in subparagraph (A) may use, to
8 manage fee collections and reservations
9 under this section, any visitor reservation
10 service that the Secretary has provided for
11 by contract or interagency agreement, sub-
12 ject to such terms and conditions as the
13 Secretary determines to be appropriate.

14 “(ii) TRANSFER.—The Secretary may
15 transfer to a non-Federal public entity or
16 a private nonprofit entity described in sub-
17 paragraph (A), or cause to be transferred
18 by another Federal agency, user fees re-
19 ceived by the Secretary or other Federal
20 agency under a visitor reservation service
21 described in clause (i) for recreation facili-
22 ties and natural resources managed by the
23 non-Federal public entity or private non-
24 profit entity.

25 “(2) USE OF FEES.—

1 “(A) IN GENERAL.—A non-Federal public
2 entity or private nonprofit entity that collects
3 user fees under paragraph (1)—

4 “(i) may retain up to 100 percent of
5 the fees collected, as determined by the
6 Secretary; and

7 “(ii) notwithstanding section
8 210(b)(4) of the Flood Control Act of
9 1968 (16 U.S.C. 460d–3(b)(4)), shall use
10 any retained amount for operation, mainte-
11 nance, and management activities related
12 to recreation and natural resources at the
13 water resource development project at
14 which the fee is collected.

15 “(B) REQUIREMENTS.—The use by a non-
16 Federal public entity or private nonprofit entity
17 of user fees collected under paragraph (1)
18 shall—

19 “(i) be limited to activities covered by
20 an agreement between the entity and the
21 Secretary;

22 “(ii) remain subject to the direction
23 and oversight of the Secretary; and

1 “(iii) not affect any existing third
2 party property interests, leases, or agree-
3 ments with the Secretary.

4 “(3) TERMS AND CONDITIONS.—The authority
5 of a non-Federal public entity or private nonprofit
6 entity under this subsection shall be subject to such
7 terms and conditions as the Secretary determines
8 necessary to protect the interests of the United
9 States.”; and

10 (6) in subsection (e) (as so redesignated), in the
11 first sentence, by striking “non-Federal public and
12 private entities” and inserting “non-Federal public
13 entities, private nonprofit entities, and other private
14 entities”.

15 **SEC. 3. RETENTION OF RECREATION FEES.**

16 (a) IN GENERAL.—Section 210(b) of the Flood Con-
17 trol Act of 1968 (16 U.S.C. 460d–3(b)) is amended—

18 (1) by striking paragraph (4) and inserting the
19 following:

20 “(4) DEPOSIT INTO TREASURY ACCOUNT.—All
21 fees collected under this subsection shall—

22 “(A) be deposited in a special account in
23 the Treasury; and

24 “(B) be available for use, without further
25 appropriation, for the operation and mainte-

1 nance of recreation sites and facilities under the
2 jurisdiction of the Secretary of the Army, sub-
3 ject to the condition that not less than 80 per-
4 cent of fees collected at a specific recreation site
5 are utilized at that site.”; and

6 (2) by adding at the end the following:

7 “(5) SUPPLEMENT, NOT SUPPLANT.—Fees col-
8 lected under this subsection—

9 “(A) shall be in addition to annual appro-
10 priated funding provided for the operation and
11 maintenance of recreation sites and facilities
12 under the jurisdiction of the Secretary of the
13 Army; and

14 “(B) shall not be used as a basis for re-
15 ducing annual appropriated funding for those
16 purposes.”.

17 (b) SPECIAL ACCOUNTS.—Amounts in the special ac-
18 count for the Corps of Engineers described in section
19 210(b)(4) of the Flood Control Act of 1968 (16 U.S.C.
20 460d–3(b)(4)) (as in effect on the day before the date of
21 enactment of this Act) that are unobligated on that date
22 shall—

23 (1) be transferred to the special account estab-
24 lished under section 210(b)(4) of the Flood Control

1 Act of 1968 (16 U.S.C. 460d–3(b)(4)) (as amended
2 by subsection (a)(1)); and
3 (2) be available to the Secretary for operation
4 and maintenance of any recreation sites and facili-
5 ties under the jurisdiction of the Secretary, without
6 further appropriation.